

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

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Court File No.: 1:22-cv-01138

Barry Sewall, on behalf of himself  
individually and all others similarly  
situated,

Plaintiff,

v.

Home Partners of America, Inc., HP  
Minnesota I LLC, and Pathlight  
Property Management Inc.,

Defendants.

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**DEFENDANTS' MOTION TO  
TRANSFER OR, ALTERNATIVELY,  
TO DISMISS WITHOUT PREJUDICE**

Defendants Home Partners of America, Inc., HP Minnesota I LLC, and Pathlight Property Management Inc.,<sup>1</sup> through their undersigned counsel, hereby move this Court pursuant to 28 U.S.C. § 1404(a) for a transfer of venue of this matter from this Court to the United States District Court for the District of Minnesota for the reasons set forth in its accompanying Memorandum of Law, which is herein incorporated by reference. Alternatively, Defendants request that the Court dismiss Plaintiff's complaint without prejudice pursuant to the doctrine of *forum non conveniens*. Counsel for the parties met

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<sup>1</sup> Plaintiff has named the wrong Defendants. Home Partners of America, Inc. and HP Minnesota I, LLC have been merged into other wholly-owned entities, and Pathlight Property Management Inc. is not the Pathlight entity that operates in Minnesota. Counsel for the Parties have spoken about this issue. Defendants will raise the issue in their responsive pleading if it is not addressed first by amendment to Plaintiff's Complaint. The Plaintiff's misidentification of Defendants does not affect the Court's ability to rule on this Motion.

and conferred three times by telephone between April 20 and April 26, 2022, and discussed transfer each time, but no agreement was reached.

WHEREFORE, Defendants respectfully requests entry of an Order (1) granting this motion; (2) transferring venue to the United States District Court for the District of Minnesota or, alternatively, dismissing Plaintiff's Complaint without prejudice; and (3) such other and further relief as the Court deems just and proper.

Dated: April 29, 2022

*s/Michael F. Cockson*

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